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9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. *2013-859*

12 **EDWIN THOMAS KING**
13 **134 Cedar Point Road, Apt. 27**
Johnson City, TN 37601

A C C U S A T I O N

14 **Registered Nurse License No. 627656**

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16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about October 7, 2003, the Board of Registered Nursing issued Registered
24 Nurse License Number 627656 to Edwin Thomas King (Respondent). The Registered Nurse
25 License expired on June 30, 2009.

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JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b) of the Code, the Board may renew an expired license at any time.

STATUTORY PROVISIONS

6. Section 2761 of the Code states:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

....

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

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COST RECOVERY

7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licentiate to comply subjecting the license to not being

1 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
2 included in a stipulated settlement.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Unprofessional Conduct – Disciplinary Action by Another Health Care Agency –**
5 **Tennessee Board of Nursing)**

6 8. Respondent is subject to disciplinary action under section 2761, subdivision (a)(4), on
7 the grounds of unprofessional conduct in that Respondent was disciplined by the Tennessee
8 Board of Nursing for violation of Tennessee Code Annotated section 63-7-115(a)(1)(F)
9 (unprofessional conduct) and Rule 1000-1-.13(w) (engaging in acts of dishonesty which relate to
10 the practice of nursing). The circumstances are as follows:

11 9. In or about 2007, the Tennessee Board of Nursing (Tennessee Board) received a
12 complaint from Johnson City Medical Center (JCMCH) informing the Board that in April of
13 2007, Respondent was terminated from employment at JCMCH for allegedly slapping a confused
14 patient (Patient M) who was assigned to his care. The incident took place on April 9, 2007.
15 Patient M had been very confused during the night and was in restraints. During the morning, the
16 patient had settled down and the restraints were removed by another nurse. When Respondent
17 walked into Patient M's room, the patient was sort of sitting up and moving his leg as attempting
18 to get out of bed. Respondent began pushing the patient's leg back into bed and telling him that
19 he could not get out of bed which seemed to agitate the patient. Patient M slapped Respondent
20 openhandedly on the side of the face. Respondent reacted by slapping the patient openhandedly
21 very hard on the side of his face. Patient M then sat back into bed. The other nurse reported the
22 incident to the hospital's care manager for cardiac patients.

23 10. On or about August 22, 2007, Respondent was interviewed by a Tennessee Board
24 investigator and Respondent confirmed the series of events that took place on April 9, 2007.
25 Respondent told the investigator that he instinctively slapped the patient back, that he did not hit
26 the patient first, and that Respondent apologized to the patient's wife as he felt terrible about what
27 had happened and that the patient's wife told Respondent not to worry about it.
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11. On or about June 5, 2008, the Respondent entered into a Settlement Agreement with the Tennessee Board in the case entitled "In the Matter of Edwin T. King Jr., R.N. Respondent Johnson City, Tennessee License No. 87231" whereby Respondent's Tennessee Registered Nurse License No. 87231 was placed on probation for one (1) year with terms and conditions.

PRAYER

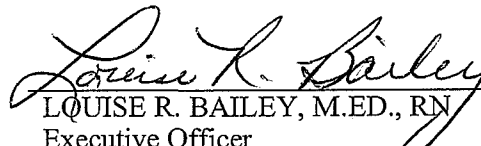
WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 627656 issued to Edwin Thomas King;

2. Ordering Edwin Thomas King to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED: April 3, 2013


LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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